

BEFORE THE LOK ADALATH

ORGANISED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.NARENDRA (RETD.JUDGE)  
&  
THE HONOURABLE MR. JUSTICE P.K.SHAMSUDDIN (RETD. JUDGE)

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

RFA.No. 16 of 2007()

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OS.314/2001 of SUB COURT, MAVELIKKARA  
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APPELLANT/PLAINTIFF:

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ABY K.KURIYAN, AGED 47 YEARS,  
S/O. V.K.KURIYAN, RESIDING AT KURIAN COTTAGE,  
CHERUKUNNAM MURI, THEKKEKARA VILLAGE,  
MAVELIKKARA TALUK, ALAPPUZHA DISTRICT.

BY ADV. SRI.JOSEPH GEORGE

RESPONDENTS/ DEFENDANTS:

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1. VISWANATHAN, AGED 44 YEARS,  
S/O. KESAVAN, UDAYAM, CHERUKUNNAM MURI,  
THEKKEKARA VILLAGE, MAVELIKKARA, ALAPPUZHA DIST.
2. SUSAMMA JOHN, AGED 56 YEARS,  
W/O. LATE JOHN, AMBOORETHU VILLA,  
VADAKKEMANKUZHY MURI, PALLARIMANGALAM,  
THEKKEKARA VILLAGE, MAVELIKKARA.
3. SAJI JOHN, AGED ABOUT 36 YEARS,  
S/O. LATE JOHN, AMBOORETHU VILLA,  
VADAKKEMANKUZHY MURI, PALLARIMANGALAM,  
THEKKEKARA VILLAGE, MAVELIKKARA.
4. SAM JOHN, AGED ABOUT 30 YEARS,  
S/O. LATE JOHN, AMBOORETHU VILLA,  
VADAKKEMANKUZHY MURI, PALLARIMANGALAM,  
THEKKEKARA VILLAGE, MAVELIKKARA.

5. THOMAS JOHN, AGED ABOUT 26 YEARS,  
S/O. LATE JOHN, AMBOORETHU VILLA,  
VADAKKEMANKUZHY MURI, PALLARIMANGALAM,  
THEKKEKARA VILLAGE, MAVELIKKARA.

BY ADV. SRI.GEORGE VARGHESE PERUMPILLYKUTTIYIL FOR R1  
SRI.RINNY STEPHEN CHAMPARAMBIL R2 TO R5.  
SMT.KAVITH GANGADHARAN  
SRI.A.R.DILEEP.

THIS REGULAR FIRST APPEAL HAVING COME UP FOR DETERMINATION AT  
THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE  
FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT.

**K.K.NARENDRAN (RETD.JUDGE)**  
**&**  
**P.K.SHAMSUDDIN (RETD.JUDGE)**

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**R.F.A.16 OF 2007**  
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**Dated this the 14<sup>th</sup> day of March, 2007**

**A W A R D**

Heard the parties and counsel appearing on both sides. After discussion it was agreed that the matter will be settled on the following terms:

1. The appellant/plaintiff will deposit an amount of Rs.Twelve lakhs before the High Court within a period of three months from today.

2. On deposit of this amount within the prescribed period, document numbers 1661/2001, 1663/2002 and 1637/2002 of Mavelikkara Sub registry will stand set aside.

3. On failure to make the deposit as aforesaid, the parties agreed that the appeal will stand dismissed.

The Court may consider the question of refund of the court fee. The R.F.A. may be posted before the Court for necessary orders.

**K.K.NARENDRAN**  
**(RETD.JUDGE)**

**P.K.SHAMSUDDIN**  
**(RETD.JUDGE)**